THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 25215 OF 1997

Dated 24th January, 2007

Between:

Jami Ananda Rao

… Petitioner

And

The District Collector, Srikakulam and others.

… Respondents.

ORAL ORDER:

In this writ petition, the petitioner who claims to be the owner along with his three brothers of building bearing Door No.1-1-11 A1 to A5 of Tekkali, Srikakulam District, seeks a declaration by way of mandamus that the action of the respondents in taking steps for demolition of their house is illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the above said house property was constructed in the site purchased by their father vide registered sale-deed dated 13.2.1985 and constructions were made by obtaining permission from the local authority i.e. 4th respondent-Gram Panchayat. It is stated that there is Tekkali-Temburu feeder road, which passes through the northern side of their building and the road width is more than 33 feet. It is the case of the petitioner that though the said property is a private property owned by them, without issuing prior notice and without taking any steps for acquisition, the respondents were trying to demolish the structures.

In the year 1997, when the writ petition was admitted, this court granted interim orders not to demolish the structures and all through said orders are continued and no counter affidavit is filed so far.

As it is stated that the above said house property is situated in private site purchased by the petitioner's father by registered sale deed dated 13.2.1985 and as much as no counter affidavit is filed, I dispose of the writ petition directing the respondents not to deprive the petitioner of his property otherwise than by due process of law. However, it is made clear that if the said land is required for any

public purpose of widening the road, it is open for the respondents to take steps in accordance with law. No costs.

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24.1.2007

R.SUBHASH REDDY, J.

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